Teaching International Economic Law in an open distance learning Education Environment

By:

Babatunde Fagbayibo

May 10, 2019

Since 2012, I have been involved in teaching postgraduate international economic law subjects on investment and economic integration in Africa at the largest university (by enrolment) in Africa, the University of South Africa (UNISA). It is important to emphasise the peculiarities of teaching in an open distance learning (ODL) environment as opposed to a contact/residential university, and how this informs the design and transmission of pedagogy.

In this respect, unlike a contact/residential university, the ODL environment provides an opportunity for a greater number of students to participate in the learning experience as it is not restricted by physical classroom space or other restrictions necessitated by the actual presence of students on campus. As issues of physical contact are not a concern in the teaching equation, ODL environment pushes universities to engage in broad-based innovative methods

of transmission. In this respect, traditional methods of posting materials and telephonic interactions with students is combined with virtual interactive tools.

The above description defines the context through which I have been teaching international economic law. Prior to teaching international economic law subjects, I had very little background in the subject, as my post-graduate studies mainly focused on the institutional structure of regional organisations in the context of deepening regionalism. This, however, assisted in building my knowledge scope as I began teaching, and also supervising, subjects on international economic law.

From January 2012 until March 2019, I taught a postgraduate subject of Foreign Investment Law (MIL5903), and since January 2019, I have been primarily involved in teaching a subject on Southern Africa Trade Law (MIL5904). These subjects cover topics ranging from the concept of investment, investment dispute settlement, WTO rules, and the rules governing economic regionalism in Africa.

At different times, each of these subjects have student number ranging from 25 to 40, and are both year modules (students register in January, and write the examination in February of the following year). Due to the ODL nature of the subjects, which allows for the convenience of studying and working at the same time, our students come from across the continent, with different professional backgrounds in governmental and non-governmental organisations. In recent years, the modules have attracted more numbers.

Students are taught through the medium of a tutorial letter that contains the objectives, chapters, assignments and reading materials for the subject. The tutorial letter is usually transmitted to students through traditional post and is also available on the university online portal, *myunisa.* There is also a communication and discussion platform on *myunisa.* Students are expected to write two compulsory assignments during the course of the year. The assignments count 25% towards the final year mark. The assignments are usually structured in a problem-type format on relevant topics, with students expected to provide an outline/research proposal in the first assignment that indicates how they will tackle the problem. Students have the option of

submitting via traditional post or through the online system (which the majority do), and the online marking tools assist in providing a quick, and interactive, feedback to students.

The materials used for teaching these subjects range from book chapters, case law and journal articles. In 2018, together with the co-lecturer of Foreign Investment Law, the reading material for the subject was revamped. Works of African authors on investment law were introduced as prescribed reading materials. In addition, the Southern African Development Community (SADC) legal regime on investment was introduced to the module. Students were also regularly updated about developments in the field through the online student portal. These changes were also reflected in the way examination questions were phrased, with emphasis on recent development in SADC on investment regulation. Works of non-African authors still form the bulk of the reading materials, a factor that has to be addressed in subsequent years.

With regards to the Southern African Trade Law subject, works of African scholars constitute the majority of the prescribed reading materials. The examination questions are also reflective of developments around regionalism in Southern Africa, with hypotheticals on how member states can navigate trade rules and obligations. In going forward, I intend to implement a number of approaches in enhancing the pedagogy of international economic law.

One key approach will be the introduction of critical approaches to international economic law. As things currently stand, there are no critical works of scholars such as Antony Anghie, Mohammed Bedjaoui, James Gathii, Makau wa Mutua and others as part of the prescribed reading list. Some of Gathii's articles are, however, already part of the reading list for Foreign Investment Law. The plan is to also include them in Southern Africa Trade Law. The aim is to use these works to probe and test student's ability to dissect the current state of trade and investment law issues. In addition, the subject does not speak to the imperatives of decolonisation and the extent to which it impacts the theoretical and practical application of international economic law.

The second is the need to sharpen the policy perspective of the subject. In this respect, the materials and questions asked will be geared towards practical

solutions for Africa’s developmental issues. This will further require the consideration of multidisciplinary perspectives, in particular the extent to which they impact on international economic law issues. Lastly, the current developments regarding investment and trade issues, and reforms at the African Union (AU) level will start to feature more prominently as discussion and assessment questions.

View online: Teaching International Economic Law in an open distance learning Education Environment

Provided by Afronomicslaw